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## Special Education

### Technical Assistance Advisory SPED 2018-4:

#### Guidance on Massachusetts Commission for the Blind Pre-Employment Transitions Services

##### Joint Advisory from

Massachusetts Commission for the Blind (MCB) and the Department of Elementary and Secondary Education (DESE)  
MCB/DESE Pre-Employment Transition Services ( Pre-ETS) Technical Assistance Advisory

To: Superintendents, Administrators of Special Education, Principals, Teachers of the Visually Impaired, Transition Coordinators, Families of Students with Visual Impairments and Other Interested Parties

From: Russell Johnston PhD, Senior Associate Commissioner and State Director of Special Education  
Paul Saner, Commissioner, Massachusetts Commission for the Blind

Date: June 15, 2018

### I. Purpose

The Department of Elementary and Secondary Education (Department or DESE) and the Massachusetts Commission for the Blind (MCB) issue this joint advisory to:

- define and describe Pre-Employment Transition Services (Pre-ETS) offered through MCB for students with disabilities, including which students are eligible for these services; and
- recommend collaborative practices between MCB vocational rehabilitation counselors, Pre-Employment Transition Counselors, and Local Educational Agency (LEA) personnel for the provision of Pre-ETS.

### II. Background

In Massachusetts, MCB is the designated agency for rehabilitation and social services for residents of the Commonwealth who are declared to be legally blind by an eye care professional. For these individuals, a letter of determination of eligibility is sent to both the individual and the eye care professional. Upon completion of this process, the individual is registered with MCB.

For youth who are legally blind and their families, MCB provides information and referral, advocacy, case management, and socialization/recreation programs (where available). The MCB offers complete [vocational rehabilitation](#) (VR) services to eligible students who are legally blind over the age of 14 whose disability is an impediment to education and employment.

Recent changes to federal law, the reauthorized [Workforce Innovation and Opportunity Act](#) (WIOA), 29 USC § 3101 et seq., added a new set of transition services for students with disabilities to the [VR](#) service responsibilities of MCB and other VR agencies. These MCB services, called pre-employment transition services (Pre-ETS), are available to legally blind or visually-impaired students from age 14 through 21 (up to their 22<sup>nd</sup> birthday) who meet other eligibility requirements. See Section IV, below. In addition, MCB-funded Pre-ETS may continue upon graduation and/or completion of special education services or 504 Plan services for students who are enrolled in a recognized postsecondary educational program. WIOA, as reauthorized, encourages MCB and LEAs to develop a coordinated approach to provide transition services to students with visual impairments.

### III. What Pre-Employment Transition Services Does MCB Provide?

MCB-funded Pre-ETS are available to eligible students at no cost to the school, district, or family. These services address five key areas required under [WIOA Regulations](#):

1. Counseling for job exploration;
2. Developing work-based learning experiences, which may include in-school or after-school opportunities, or experience outside the traditional school setting such as summer internships;
3. Counseling on opportunities for enrollment in postsecondary educational programs;
4. Training to develop social skills and independent living, including: workplace readiness, Orientation and Mobility (O&M) training, and Assistive Technology (AT) training that is supplemental to the O&M and/or AT training enumerated in a student's the IEP or 504 Plan; and
5. Instruction in self-advocacy, which may include peer mentoring.

While MCB cannot use Pre-ETS funds to provide mainstream devices such as personal computers, tablets, and laptops to the student or the LEA, MCB can provide eligible students adaptive technology services and software, such as Zoom Text or JAWS, which are needed to access work readiness training and other Pre-ETS activities.

### IV. How Do LEAs and MCB Collaborate to Provide Pre-ETS?

#### Eligibility and Referral for MCB Pre-ETS

To be considered eligible for Pre-ETS, a student must be age 14–21 and

1. be legally blind and registered with MCB; or
2. be visually impaired and have an Individualized Education Program (IEP) or 504 Plan; or
3. be legally blind or visually impaired, previously eligible for special education, and currently enrolled in a recognized postsecondary program; or
4. be considered by school staff to have a significant visual impairment regardless of whether the student is already registered with MCB.

For students meeting any of these criteria, the student, the student's parent/guardian, or the district can make a referral to MCB by contacting the MCB Deputy Commissioner at 617-626-7509.

For further information, please visit MCB's website [Pre-employment Transition Services](#).

#### LEA Responsibilities

The Department strongly encourages the LEA to invite MCB to participate in IEP or 504 Plan meetings for students ages 14–21 who meet the MCB Pre-ETS eligibility requirements so that MCB can provide information to the student and parent/guardian regarding the availability of Pre-ETS through MCB. The student's parent/guardian or the adult student must sign the [IEP/504 Plan Release Form](#) to allow MCB to participate in the IEP or 504 planning meeting.

At the meeting, the LEA and MCB should inform the student and parent/guardian that they can choose to seek Pre-ETS from MCB while receiving supports through an IEP or 504 Plan and, in the future, during any postsecondary education. When these discussions occur, IEP and 504 Plan Teams should document the discussion of Pre-ETS and the VR services that MCB agrees to provide in the Action Plan of the Transition Planning Form or in any 504 Plan transition documentation. LEAs may choose how and whether to document in the IEP or 504 Plan those services that MCB agrees to provide.<sup>2</sup> Transition services documentation practices may vary among LEAs. LEAs should be aware that if MCB does not provide agreed-upon services detailed in the IEP or 504 Plan, the LEA assumes responsibility to provide those services and may seek reimbursement from MCB.<sup>4</sup>

Any conversation regarding MCB Pre-ETS at the IEP Team or 504 Plan meeting needs to be individualized to meet the student's needs. In many cases, schools will provide employment skills development as part of secondary transition services under the federal Individuals with Disabilities Education Act (IDEA). Under IDEA, schools are responsible to provide secondary transition services in the areas of Postsecondary Education/Training, Independent Living, Community Participation and Employment, as appropriate to the unique needs of each student. The singular goal of MCB Pre-ETS is to prepare students with disabilities for successful competitive, integrated employment.

The Department recommends that LEAs and MCB cooperate to identify students with visual impairments who may need Pre-ETS. Once identified, MCB, assisted by the LEA, will reach out to identified students as early as possible during the transition planning process to provide the student and parent/guardian with additional information about the purpose of Pre-ETS, eligibility requirements, application procedures, and the scope of services that may be provided to eligible individuals<sup>5</sup>. This includes services that are available in specific circumstances, upon graduation, or to students who are no longer eligible for IEP or 504 Plan services and are attending a recognized postsecondary educational program. The student, parent/guardian, or LEA may submit an application to MCB for Pre-ETS (See sections III and IV).

Pre-ETS planning does not relieve MCB or the LEA of the responsibility to provide or pay for any transition services that the program would otherwise provide to a student with a disability who is appropriate for MCB Pre-ETS. For example, if the LEA ordinarily provides O&M or AT services to a student pursuant to an IEP or 504 Plan, the LEA should continue providing the service until MCB Pre-ETS begins. In cases where a question arises as to financial responsibility for services, MCB will present the LEA with a list of Pre-ETS that MCB will be responsible for under the IEP or 504 Plan in order to assist in identifying the responsibility of each agency. MCB will also work with LEAs to establish conditions, terms, and procedures for reimbursement, for resolving disputes, and for the coordination and timely delivery of services. MCB and LEAs should refer to applicable state and federal laws, regulations, and guidance to assist in resolving such issues.

## V. What Happens When Students are Referred for MCB Pre-ETS?

Once MCB determines that a student is eligible for MCB Pre-ETS services, the MCB VR counselor or Pre-Employment Transition Counselor begins an assessment process with the student. Through discussion and evaluation, the student, parent/guardian, and counselor will determine the student's current skills and needs, and work together to develop a VR plan that may include short-term vocational school programs, business school or college training, job search assistance, job placement, and supported work options, along with supportive services such as O&M training related to workplace readiness.

## VI. Conclusion

Vocational rehabilitation services have expanded as a result of the Pre-ETS program established under the 2014 federal [Workforce Innovation and Opportunity Act](#)<sup>7</sup>. Pre-ETS presents a great opportunity for collaboration between school district personnel and MCB staff, which should lead to enhanced support and employment skills development for eligible students with visual impairments. We encourage LEAs to work with MCB to provide Pre-ETS information and services to these students and their families, with the goal of preparing students for successful adult careers.

If you have questions or suggestions, please contact the Department's Special Education Planning and Policy office at 781-338-3375, or MCB at 617-727-5550.

### Note:

<sup>1</sup> WIOA is a comprehensive federal law, enacted on July 22, 2014, which is intended to streamline, consolidate, and improve workforce development and training services for various groups, including youth and workers with disabilities.

<sup>2</sup> Massachusetts Commission for the Blind vocational rehabilitation services are available for persons meeting eligibility requirements and needing vocational rehabilitation services to prepare for, secure, retain or regain employment.

<sup>3</sup> The "Additional Information" section on IEP 8 includes space for "a statement of interagency responsibilities and needed linkages."

<sup>4</sup> See IDEA regulations, 34 CFR §300.154 a(3), b(1)(i), b(2) and §300.324 (c)(1), (c)(2).

<sup>5</sup> Independent living skills, social skills and transition to work for students with visual impairments often present unique challenges from kindergarten through graduation. MCB welcomes the opportunity to participate in the IEP or 504 Plan Team process throughout the elementary and secondary school experience. MCB, with the support of DESE, seeks to enhance these skill areas as early as possible to best serve our students.

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